

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 333 of 2003

Jabalpur, this the 27th day of August, 2003.

Hon'ble Mr. D.C. Verma, Vice Chairman (Judicial)
Hon'ble Mr. Anand Kumar Bhatt, Administrative Member

R.P. Khare, son of late Shri R.B. Khare
aged 53 years, presently posted as
Superintendent, Central Excise, Sagar,
resident of 752, Ankur Colony,
Makronia, Sagar, M.P.

APPLICANT

(By Advocate - Shri M.K. Verma)

VERSUS

1. Union of India, through Secretary,
Ministry of Finance,
Department of Revenue, North Block,
New Delhi 110001

2. Commissioner, Central Excise,
Central Revenue Building, Opposite
Central India Floor Mill,
Hoshangabad Road,
Bhopal M.P.

RESPONDENTS

(By Advocate - Shri B. Dasilva)

O R D E R

By Anand Kumar Bhatt, Administrative Member -

This Original Application is against the order dated 08.05.2003 (Annexure A-4) transferring the applicant from Sagar to Bhopal.

2. The facts of the case in brief are that the applicant joined the Department in 1971 and he was transferred from Bhopal to Sagar in October 2002 at his own request on the ground that his wife is working as a Teacher in the Government Primary School of the Madhya Pradesh Government. After this transfer he was again transferred within a short period of about 7 months. The grounds taken by the applicant are that as per transfer guidelines of the Department, normal tenure of Grade-B officers are 4 years and his transf-

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er after such a short period from Sagar, which was done on his own request is malafide. The Vth Pay Commission has recommended that to the extent possible the husband and wife should be posted together. The applicant's wife is staying alone with his daughter at Sagar and his son is away in an Engineering College.

3. The respondents have on the other hand stated that the Department has been extra kind to the applicant. In December 1995 he was transferred from Raipur to Sagar, and after completion of four years at Sagar he was transferred to Bhopal in 1999. Once again before completion of the normal tenure of the 4 years he was transferred back to Sagar in October 2002. ^{in present} The transfer has been done on administrative reasons and the transfer guidelines are not mandatory. Out of total service of 24 years in the executive cadre of the applicant since 1979, he has ^{been in} ~~settled~~ in Sagar division for almost 16 years. The applicant is in the habit of creating ^{in to} ~~with~~ nuisance with his senior officers. The previous Assistant Commissioner of Sagar observed that the applicant was not a disciplined officer. The next Assistant Commissioner also requested the Commissioner, Central Excise, Bhopal, that his transfer from Sagar should not be cancelled.


4. We have heard the learned counsel for both the sides and have gone through the pleadings.


5. Whereas, as a general policy an official is allowed to complete the normal tenure at the place of his posting, which in the present case is 4 years, it is not necessary to follow this, as for administrative

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reasons transfers can always be made before the completion of the period. The argument put-forward by the learned counsel for the applicant that this was not an administrative transfer and his name was included in the name of adverse transfers is not sustainable and ^{we agree with} we ~~are~~ of the frank admission on the part of the respondents that his transfer has been made on the administrative grounds. Similarly there are instructions to the effect that husband and wife should be posted together but this is done only to the extent possible and such guidelines ^{do not} ~~over-ride~~ the administrative exigency. The official has been transferred within the zone and since 1979 the applicant has managed to stay for almost 16 years at Sagar. We are not convinced that the impugned transfer order in regard to the applicant requires interference from ⁱⁿ our ~~own~~ side.

6. In the result the Original Application is dismissed. No costs.


(Anand Kumar Bhatt)
Administrative Member



(D.C. Verma)
Vice Chairman (Judicial)

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पृष्ठानक सं ओ/न्या.....जबलपुर, दि.....
प तिनिधि कार्य दिनांक :-

- (1) सचिव, जल संसाधन विभाग, जबलपुर
- (2) सचिव, जल संसाधन विभाग, जबलपुर
- (3) सचिव, जल संसाधन विभाग, जबलपुर
- (4) सचिव, जल संसाधन विभाग, जबलपुर

M K Verma. DCV
B clasic a - date :


27/8/03

Issued
On 28.8.03
68